

IN RE: PETITION FOR VARIANCE
E/S Eastern Avenue, 110' S
centerline of Oliver Beach Road
15th Election District
5th Councilmanic District
(12947 Eastern Avenue)

Jessica A. Jaworski
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-195-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the property, Jessica A. Jaworski. The Petitioner is requesting a variance for property she owns at 12947 Eastern Avenue, located in the Chase area of Baltimore County. The variance request is to permit a single-family dwelling to be constructed on a vacant lot with a window to tract boundary setback of 25 ft. and a building to tract boundary setback of 25 ft. in lieu of the required 35 ft. and 30 ft. respectively.

Appearing at the hearing on behalf of the variance request were Jessica and David Jaworski, the Petitioners. There were no Protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is a vacant lot located along Eastern Avenue in Chase. The property consists of 0.295 acres, more or less, zoned DR.2. It is known as Lot 1 of the "Trionfo Property" minor subdivision. The Jaworski's purchased the subject property in June of 2001. They were unaware that a variance was necessary in order for them to construct the house that they have chosen to locate on the property. In order to proceed with their plans and construct a house in accordance with the site plan submitted into evidence the variance request is necessary.

1/4/02
R. Jaworski

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

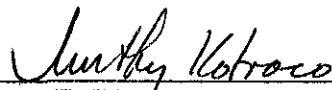
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 14th day of January, 2002, by this Deputy Zoning Commissioner, that the variance requested by Petitioner to permit a single-family dwelling to be constructed on a vacant lot with a window to tract boundary setback of 25 ft. and a building to

RECEIVED
JAN 14 2002
R. J. JENNISON

tract boundary setback of 25 ft. in lieu of the required 35 ft. and 30 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED FOR FILING

11/10/20

R. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 14, 2002

Ms. Jessica A. Jaworski
1000 C Wilson Point Road
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 02-197-A
Property: 12947 Eastern Avenue

Dear Ms. Jaworski:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Tracy Morrow
57 Stone Park Place
Baltimore, MD 21236

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12947 Eastern Ave

which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be discussed at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTm

Date 11/13/01

Case No. 02-195-A

REV 9/15/98

Zoning description for 12947 Eastern Ave.

Beginning at a point on the East side of Eastern Ave which is 45 feet wide at the distance of 110 feet South of the centerline of the nearest improved intersecting street Oliver Beach Rd which is 45 feet wide. Being Lot #1 in the minor subdivision of the Trionfo Property (#91-153M), containing 12,827 sq. ft. Also known as 12947 Eastern Ave. and located in the 15TH Election District, 5TH Councilmanic District.

- 1) South $56^{\circ}02'00''$ East 128.27 feet;
- 2) South $33^{\circ}58'00''$ West 100.00 feet;
- 3) North $56^{\circ}02'00''$ West 128.27 feet;
- 4) North $33^{\circ}58'00''$ East 100.00 feet.
to the place of beginning. Containing
12827 square feet. (0.295 Acres \pm)

#195

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-195-A
12947 Eastern Avenue
E/S Eastern Avenue, 110' S of
centerline of Oliver Beach Road
15th Election District
5th Councilmanic District
Legal Owner(s): Jessica A.
Jaworski

Variance: to permit a single family dwelling to have a window to tract boundary setback of 25 feet and a building to tract boundary of 25 feet in lieu of the 35 feet and 30' feet respectively.

Hearing: Monday, January 14, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Basley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-8391.

12/24/01 Dec. 27 C512787

CERTIFICATE OF PUBLICATION

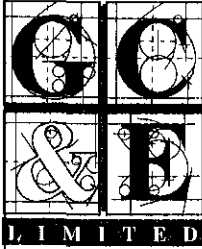
12/27/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/27/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 02-195-A
PETITIONER/DEVELOPER:
Owner: Jessica A. Jaworski
DATE OF HEARING:
January 14, 2002

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

East side of Eastern Avenue, 110' South of the
centerline of Oliver Beach Road

DATE: 12/27/01

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 12/26/01

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-195-A

Petitioner: JESSICA A. JAWORSKI

Address or Location: 12947 EASTERN AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tracy Morrow

Address: 57 Stonepark Pl.
Baltimore, Md. 21236

Telephone Number: 410-529-8168

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 27, 2001 Issue – Jeffersonian

Please forward billing to:
Tracy Morrow
57 Stone Park Place
Baltimore MD 21236

410 529-8168

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-195-A
12947 Eastern Avenue
E/S Eastern Avenue, 110 S of centerline of Oliver Beach Road
15th Election District – 5th Councilmanic District
Legal Owner: Jessica A Jaworski

Variance to permit a single family dwelling to have a window to tract boundary setback of 25 feet and a building to tract boundary of 25 feet in lieu of the 35 feet and 30 feet respectively.

HEARING: Monday, January 14, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G72
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 13, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-195-A
12947 Eastern Avenue
E/S Eastern Avenue, 110 S of centerline of Oliver Beach Road
15th Election District – 5th Councilmanic District
Legal Owner: Jessica A Jaworski

Variance to permit a single family dwelling to have a window to tract boundary setback of 25 feet and a building to tract boundary of 25 feet in lieu of the 35 feet and 30 feet respectively.

HEARING: Monday, January 14, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Jessica A Jaworski, 1000C Wilson Point Road, Baltimore 21220
Tracy Morrow, 57 Stone Park Place, Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 29, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 11, 2002

Jessica A Jaworski
1000C Wilson Point Road
Baltimore MD 21220

Dear Ms. Jaworski:

RE: Case Number: 02-1953-A, 12947 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures


c: Tracy Morrow, 57 Stone Park Place, Baltimore 21236
People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** December 26, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2001
Item Nos. 176, 177, 178, 179, 181, 184,
185, 186, 187, 188, 189, 193, 190, 191,
193, 194, ~~195~~ 196, 197, 198, 199, and
223

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 3, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187,
188, 190, 191, 192, 193, ~~194~~ 198, 199, 223

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

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1/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 17, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 12947 Eastern Avenue

18

INFORMATION:

Item Number: 02-195

Petitioner: Jessica A. Jaworski

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a window to tract boundary setback of 25 feet in lieu of the minimum required 30 feet and 35 feet respectively.

Prepared by: MaehACum

Section Chief: Jeffrey W. Loy

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.12.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED] LTM

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

1/14

RE: PETITION FOR VARIANCE
12947 Eastern Avenue, E/S Eastern Ave,
110' S of c/l Oliver Beach Rd
15th Election District, 5th Councilmanic

Legal Owner: Jessica A. Jaworski
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-195-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

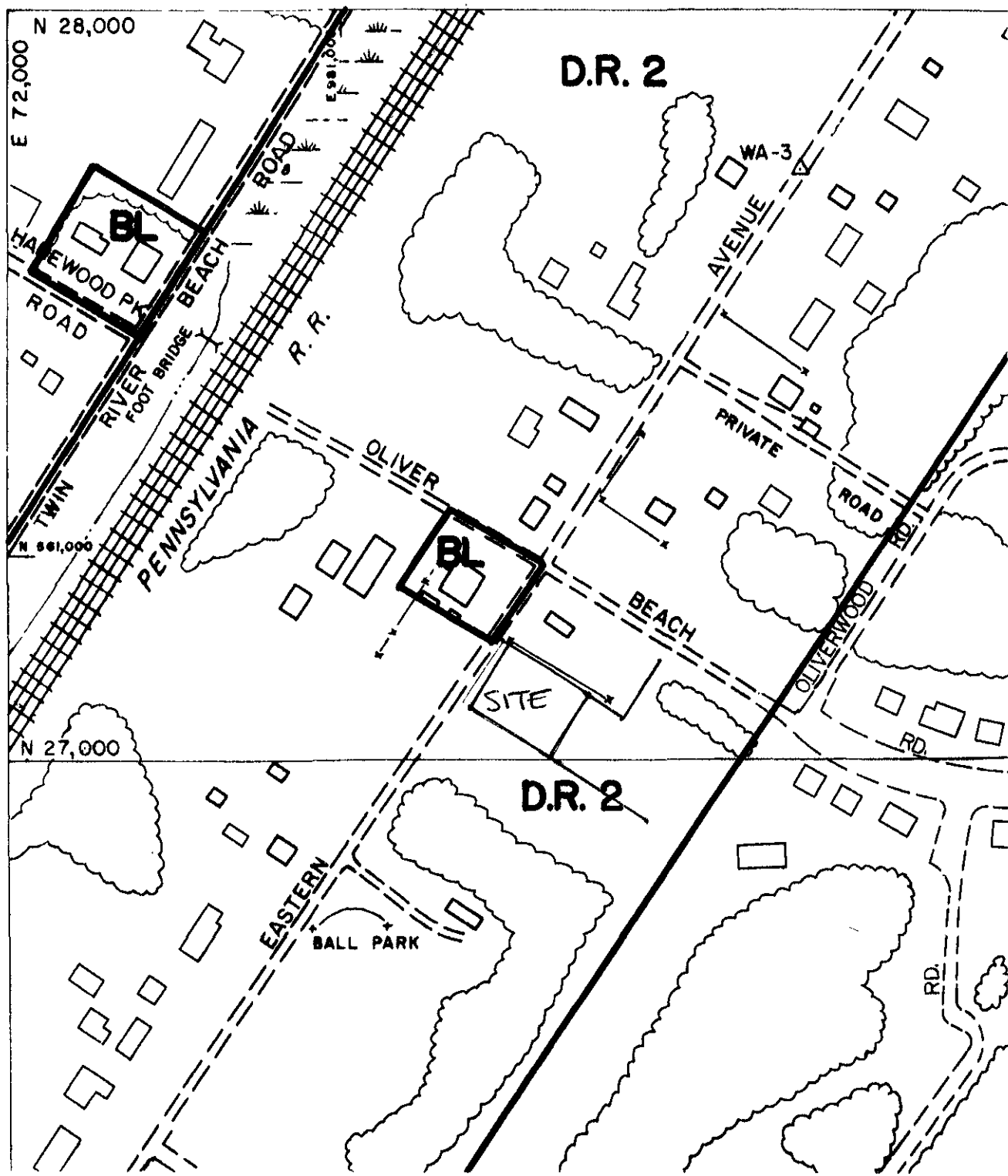
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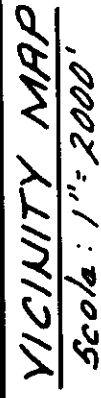
20th

I HEREBY CERTIFY that on this 19th day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to Tracy Morrow, 57 Stone Park Place, Baltimore, MD 21236, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

195





☒ Variance
☐ Special Hearing

Prepared by: R.F.
Scale of Drawing: 1" = 20'
Date: Nov. 5, 2001

Election District: 15
Councilmanic District: 5
1"=200' Scale Map #: NE 7M
Zoning: DR-2 (Formerly DR-5.5)
Lot Size: 12827 Sq. Ft. or 0.295 Acre

Zoning Office Use Only!

Reviewed by:	Item #:	Costa #:
LM	561	02561A

